IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17358 of 2004

Between:

1 Smt. Mayya Laxmamma, W/o. Narsaiah,
R/o. Balajinagar, Jawaharnagar Village, Shamirpet Mandal, R.R. District.
2 B.R. Ganesh, S/o. Rajaiah,
R/o. Balajinagar, Jawaharnagar Village, Shamirpet Mandal, R.R. District.
3 Madadi Veera Reddy, S/o. Parma Reddy,
R/o. Balajinagar, Jawaharnagar Village, Shamirpet Mandal, R.R. District.
4 Krishna Papumani, W/o. Krishna Karunanidhi,
R/o. Balajinagar, Jawaharnagar Village, Shamirpet Mandal, R.R. District.

..... PETITIONER(S)

AND

1 The Government of Andhra Pradesh, represented by its Secretary, Revenue (Assignment) Dept., Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad East, Mukramjahi Market Road, Hyderabad.
4 The Mandal Revenue Officer, Shameerpet Mandal, R.R. District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not assigning the land in Sy.No. 688 and 12 situated at Jawaharnagar Village, Shameerpet Mandal, Ranga Reddy District, admeasuring 5-00 acres each and resorting to evict the petitioners from their lands forcibly without following due procedure of law as illegal, arbitrary and violative of Articles 14,16 and 19(g) of Constitution of India and consequently declare that the petitioners are entitled for assignment of the land in their occupation on payment of market value as was done in similar cases.

Counsel for the Petitioner:MR.G.V.SRIRAMA MURTY
Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel on either side and with their consent the writ petition itself is disposed of at the stage of admission.

The petitioners, who claim to be in possession of Ac.5.00 each in Sy.Nos. 688 and 12 of Jawaharnagar village in Shameerpet Mandal, filed the present writ petition to direct the 4th respondent-MRO not to dispossess them without considering their claim for assignment of the land in the light of the directions issued by the Government in Memo No.2277/Q-1/77-1 dated 7.6.77, to the District Collector, to process the assignment of land to original allottees or to the legal representatives and remaining land to the landless poor persons who are in occupation of the said lands. The Joint Collector, through proceedings dated 10.12.79, addressed the Tahsildar,

Medchal Taluk, to consider the claims of the persons who are in possession after disposing of the claims of the Ex-Servicemen and if there is any balance land available for assignment, the same shall be assigned to the Sivai-Jammadars.

Learned Government Pleader for Revenue submits that in view of the ban imposed in G.O.Ms. No.1409 dated 19.8.1978, whenever the land is required for the purpose of any development, the said land cannot be assigned. The petitioner, without making any application for assignment of the land, filed the present writ petition in the light of the various orders passed by this court in favour of some other claimants.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondents to consider the case of the petitioner for assignment of land on the application being made by him in the light of the instructions issued by the Government and also the ban imposed in G.O.Ms.No.1409 dated 19.8.1978, and pass appropriate orders after verifying whether the petitioners are the Sivai-Jammadars or not for assignment of the said lands. No costs.

28.9.2004

CVM

To

1 The Secretary, Government of Andhra Pradesh, Revenue (Assignment) Dept., Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
3 The Revenue Divisional Officer, Hyderabad East, Mukramjahi Market Road, Hyderabad.
4 The Mandal Revenue Officer, Shameerpet Mandal, R.R. District.

5. 2 CD copies.

6 Two CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).